

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5795 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHHELSHANKER RAMJIBHAI OZA

Versus

STATE OF GUJARAT

Appearance:

MR MAMTA VYAS for Petitioner

MR MUKESH PATEL for Respondents No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/02/98

ORAL JUDGEMENT

1. On 12th February, 1998, this matter was listed for final hearing but on the request of the counsel for the petitioner to take instructions from the petitioner, this matter was adjourned to today.

2. The learned counsel for the petitioner made a statement before this Court that the benefit of the Government resolution dated 8th September, 1987 has been

given to the petitioner. However, she contended that the arrears of pension was not paid to the petitioner for the period prior to 2nd August, 1985.

3. This contention of the learned counsel for the petitioner is of no substance as the resolution dated 8th September, 1987 specifically provides that the teachers who retired prior to 2nd August, 1985 will not be paid the arrears for the period prior to 2nd August, 1985. The petitioner has not challenged the validity of this resolution also.

4. In view of the fact that the petitioner has been given the benefit of the resolution dated 8th September, 1987 to the extent of his entitlement, nothing now survives in this special civil application and the same has become infructuous. Order accordingly.

5. This special civil application is dismissed as having become infructuous. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

zgs/-